

SBI Number: _____
Agency Code: _____
Menu Option Level: _____
Logon ID: _____

DELAWARE DEPARTMENT OF CORRECTION Recruitment & Selection Unit 245 McKee Road, Dover , DE 19904 302-857-5298		CERTIFICATION OF RECEIPT FOR DELJIS RESTRICTIONS	
Employee Name		Date of Birth	
Drivers License No & State			
Other Names Used (maiden, alias)			
Agency DOC		County	
E-mail Address			
This is to certify that I have read and understand this Directive #1, referring to the dissemination of criminal history record information and motor vehicle information.			

Signature

Date Signed

FROM HERE BELOW FOR AGENCY USE ONLY

CJIS Access

☐ Yes

☐ No

If YES, check type of access below:

<input type="checkbox"/> Inquiry Only	<input type="checkbox"/> LEISS Print/Preview
<input type="checkbox"/> Update/Input	<input type="checkbox"/> Police Officer
<input type="checkbox"/> Wanted Person Update	<input type="checkbox"/> Dispatcher
<input type="checkbox"/> LEISS Complaint Only	
<input type="checkbox"/> SSL-VPN (Qualifying user(s) need DELJIS spreadsheet request form completed)	
E-mail for <i>Non-State</i> Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No

VERIFYING PERSON

Verifying Person Signature
(Agency Head or Designee)

Date

Form R105 09/19/2011

Agency return completed form to:

Delaware Criminal Justice Information Systems
Attention: Mary Hansen, DELJIS Security Manager
802 Silver Lake Boulevard
Suite 101
Dover, DE 19904
State Location Code: D530A



STATE OF DELAWARE
DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM (DELJIS)

802 Silver Lake Boulevard

Suite 101

Dover, Delaware 19904

Telephone: 302-739-4856

Fax: 302-739-6285

November 30, 2006

TO: All Criminal Justice Agencies

REF: Dissemination of Criminal History Record Information and Motor Vehicle Information

1. All criminal justice agencies will ensure that all requests for criminal history information and motor vehicle information will be channeled through the proper authorities as outlined in Directive # 1.
2. All agencies shall ensure that anyone accessing criminal history record information will be fingerprinted pursuant to DELJIS Policy Number 6 regarding the fingerprinting of employees. Fingerprints should be sent to DELJIS Security Manager who will forward them to SBI.
3. It is the responsibility of the head of the agency and/or his/her designee to ensure that all employees under his/her control have read Directive # 1. The agency shall be responsible for returning the signed "Verification of Notification" to the DELJIS Security Manager.
4. The agency shall notify the DELJIS Security Manager immediately of the transfer or termination of any employee having DELJIS access.
5. The addition of new employees, for whom access to criminal history is sought, will be reported to the DELJIS Security Manager on agency letterhead with the appropriate paperwork. Before an employee is allowed access to a terminal, a security clearance supported by fingerprints must be obtained.
6. On a yearly basis the DELJIS Security Manager will supply each agency with a listing of all authorized individuals that have access to the system. The agency will be responsible for reviewing the list for accuracy and supply DELJIS with any additions, changes and/or deletions. Additionally, the agency will supply any information that is missing from the list. (i.e. fingerprint and/or directive)

Delaware Criminal Justice Information System

DELJIS DIRECTIVE 1

Restrictions Regarding Dissemination and Use of Criminal History Information

The following information is provided as a guide to the restrictions on the use and dissemination of criminal history. It is a summary of the major provisions of Chapters 85 and 86 of Title 11 of the Delaware Code relating to criminal history record information. While this summary is intended to answer many of the questions regarding criminal history, your conduct as a criminal justice employee is governed by those statutes, and not by this summary.

1. No person may disseminate criminal history record information (CHRI) except under the following conditions:
 - a. An employee of a criminal justice agency may disseminate CHRI to another employee of the same agency, provided that the second employee is allowed access to CHRI.
 - b. CHRI may be disseminated to the State Bureau of Identification.
 - c. CHRI can be transmitted to another criminal justice agency for use in criminal justice proceedings.
2. Dissemination means the transmission of criminal history record information or the confirmation of the existence or non existence of a criminal record.
3. Criminal history record information (CHRI) means information collected by criminal justice agencies on an individual consisting of descriptions of the individual together with notations of arrests, detentions, indictments, information, or other formal charges, as well as dispositions, sentencing, and correctional supervision and release arising from those charges.
4. Criminal history record information (CHRI) does not include:
 - a. Wanted posters or announcements of names or lists of wanted persons.
 - b. Original entries on police blotters.
 - c. Court records of judicial proceedings.
 - d. Published court or administrative opinions, or public judicial, administrative or legislative proceedings.
 - e. Records of traffic offenses maintained by the Division of Motor Vehicles.
 - f. Announcements of executive clemency.
5. Criminal Justice Agency means
 - a. All Delaware state and local courts
 - b. State, county and local police departments
 - c. The State Department of Justice and City Solicitor for the City of Wilmington
 - d. The Department of Correction
 - e. The Delaware Criminal Justice Information System (DELJIS).
 - f. Other state agencies specifically recognized as such by the DELJIS Board of Managers.

6. Employees of the Office of the Public Defender are not authorized or permitted computer access to criminal histories of any person other than individuals for whom the Public Defender is attorney of record.
7. When CHRI is disseminated to another agency, dissemination logs must be maintained by the disseminating agency. The logs must include:
 - a. The name of person and agency receiving the information.
 - b. The date of the dissemination.
 - c. What was disseminated.
 - d. Who disseminated the information
8. If a criminal justice employee acting in good faith releases CHRI to an authorized second party and the second party subsequently disseminates or uses the CHRI unlawfully, the original employee will not be held liable for the dissemination. The party that improperly disseminated or used the CHRI will be held liable.
9. Violations of the provisions of the law regarding CHRI are serious offenses and may subject the violator to severe criminal penalties. They may also subject the violator to discipline or removal as a state employee.
 - a. A person who knowingly and wrongfully destroys or falsifies a criminal history computer record or a manual criminal history record is guilty of a Class E Felony.
 - b. A person that permits someone else to destroy or falsify a criminal history computer record or a manual criminal history record is guilty of a Class E Felony.
 - c. A person who knowingly sells the record for profit is guilty of a Class E Felony.
 - d. A person that gives criminal history information to a person or agency not authorized to receive it is guilty of a Class A Misdemeanor.

OTHER INFORMATION REGARDING CRIMINAL HISTORY

- Q. How can a person or their attorney get a copy of their criminal record?
- A. Such records may be released only by the State Bureau of Identification and the person must submit to procedures established by the State Bureau of Identification. Those procedures include:
1. Submit a full set of fingerprints.
 2. A signed release.
 3. Pay a fee set by the Superintendent of the Delaware State Police.
- Q. Can the State Bureau of Identification disseminate a person's record outside the normal realm of criminal justice?
- A. Yes, but only under very limited circumstances:
1. Under the direction of Delaware State Statute, executive order, court rule or decision.
 2. Individuals or non-criminal justice agencies doing research, evaluation or statistical activities in accordance with a DELJIS users agreement.
 3. International travel agreements (visa).
 4. Matters of national security
- Q. How can an employer determine if a criminal record exists on an employee?
- A. The employer must submit a request to the Superintendent of the Delaware State Police with a signed waiver from the employee, submit a full set of fingerprints, and pay a prescribed fee. Only conviction information will be released to the employer.
- Q. How does the news media get a person's criminal record?
- A. The news media must contact the Public Information Officer of the Delaware State Police to request the information and pay a fee set by the Superintendent of the State Police. The information released is limited to conviction data only. The information must be used for the purpose for which it was requested.

Restrictions Regarding Dissemination and Use of Motor Vehicle Information

Information regarding the use and restrictions of the release of motor vehicle information is in Delaware Code, Title 21, Chapter 3, Section 305.

In summary:

- a. Motor vehicle information may be used by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a government agency in carrying out its functions. Personal information obtained from motor vehicle will not be resold or redisclosed in part or whole except for those authorized purposes covered in Title 21, section 305, subsection (b).
- b. If the Division of Motor Vehicle discovers wrongful disclosure of motor vehicle information, it shall notify the holder of that information that the information was wrongfully disclosed and may not be used, resold or redisclosed in any way. The Division shall also inform the person who the information pertains to that his or her personal information was disclosed.
- c. Any person requesting the disclosure of personal information, who misrepresents the person's identity, or knowingly makes a false statement in order to obtain restricted information or who knowingly violates any other provisions as stated in Title 21, Chapter 3, shall be guilty of a class A misdemeanor, and liable to the individual to whom the information pertains.